



State Senator

December 13, 2004

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GOVERNMENT IN FOCUS: Grandparent Visitation Rights

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Legislature revises Child Custody rules to allow for grandparent visitation

Grandparents will have more opportunities to visit their grandchildren thanks to Senate Bill 727 which was recently passed by the Legislature. Reforms made to the Child Custody Act will allow a child's grandparent to seek grandparenting time by filing a motion in circuit court. The bill, before it was passed, was reviewed by a conference committee where the following revisions were made:

1. A grandparent must file a motion seeking grandparenting time with the circuit court in the county where the court has continuing jurisdiction. If a court does not have continuing jurisdiction over the child, the motion must be filed in the circuit court for the county where the child resides.
2. A "rebuttable presumption" is created when a fit parent's decision to deny grandparenting time does not create a substantial risk of harm to the child's mental, physical, or emotional health.
3. To rebut this presumption, a grandparent must prove by a preponderance of the evidence that the parent's decision to deny grandparenting time creates a substantial risk of harm to the child's mental, physical, or emotional health.
4. With respect to the presumption, the following may occur:
 - a. If the grandparent does not overcome the presumption, the court must dismiss the complaint or deny the motion.
 - b. If the court finds that a grandparent has met the standard for rebutting the presumption, the court shall consider whether it is in the best interests of the child to enter an order for grandparenting time.
 - c. If the court finds by a preponderance of the evidence that it is in the best interests of the child to enter a grandparenting time order, the court shall enter an order providing for reasonable grandparenting time of the child by the grandparent.
5. If two fit parents sign an affidavit stating that they both oppose an order of grandparenting time, the court must dismiss the motion.
6. The bill specifically outlines what the court must consider in determining the best interests of the child. The conference report adds a new subdivision (i) to state that one of the factors is whether the parent's decision to deny grandparenting time is related to the child's well-being or is for some other unrelated reason.

Information provided by the Senate Majority Policy Office.

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